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EXTRAORDINARY

PART II—Section 3—Sub-section (i)

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MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 15th March 1961

G.S.R. 347.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and all other powers enabling him in this behalf, the President hereby makes the following rules, namely:—

PART I—GENERAL

1. **Short title.**—These rules may be called the Delhi and Himachal Pradesh Civil Service Rules, 1961.

2. **Definitions.**—In these rules unless the context otherwise requires—

- (a) “administrator” means the administrator appointed under article 239 of the Constitution for the Union territory of Delhi or Himachal Pradesh, as the case may be;
- (b) “Commission” means the Union Public Service Commission;
- (c) “duty post” means any post specified in Schedule I and includes a temporary post carrying the same designation as any of the posts specified in that Schedule and the scale of pay of which is identical to that attached to Grade II of the Service and, any other temporary post declared as duty post by the Central Government;
- (d) “member of the Service” means a person appointed in a substantive capacity to either grade of the Service and includes a person appointed on probation to Grade II of the Service;
- (e) “Schedule” means a Schedule appended to these Rules;
- (f) “Service” means the Delhi and Himachal Pradesh Civil Service.

3. **Constitution of Service and its classification.**—(1) There shall be constituted a Central Civil Service to be known as the Delhi and Himachal Pradesh Civil Service.

(2) The Service shall have two grades, namely:—

- (i) Grade I (Selection Grade)
- (ii) Grade II.

(3) The posts in Grade I shall be Central Civil Posts, Class I Gazetted and those in Grade II shall be Central Civil Posts, Class II Gazetted.

PART II—AUTHORISED STRENGTH

4. Strength of the Service.—(1) The authorised permanent strength of the Service and the posts included therein shall be as specified in Schedule I.

(2) The number of selection grade posts in the Service shall be 6·4 per cent of the authorised permanent strength of the Service.

(3) The Central Government or the administrator, subject to such conditions and limitations as may be prescribed by the Central Government, may, by order, create duty posts for such period as may be specified therein.

PART III—METHOD OF RECRUITMENT

5. Method of Recruitment.—(1) Save as provided in rule 17, appointment to the Service shall be made by the following methods, namely:—

(a) not more than 50 per cent of the substantive vacancies which occur from time to time in the authorised permanent strength of the Service shall be filled by direct recruitment in the manner specified in Part IV of these rules; and

(b) the remaining such substantive vacancies shall be filled by selection in the manner specified in Part V of these rules from amongst

(i) Officers who are substantively borne on the cadre of Tehsildars employed in either of the Union territory of Delhi or Himachal Pradesh; and

(ii) officers who hold substantively any of the posts mentioned in Schedule II, Parts A and B.

Provided that for a period of three years from the constitution of the Service if a sufficient number of suitable officers is not available under clause (b), the requisite number of officers may, in consultation with the Commission, be appointed to the Service by transfer of members of a State-Civil Service or other service:

Provided further that nothing in this rule shall preclude the Central Government from holding a vacancy in abeyance, or filling it on an officiating basis in accordance with the provisions in Part VIII of these rules.

(2) If the exigencies of service so require, the Central Government may, in consultation with the Commission, vary the percentage of vacancies to be filled by each method specified in sub-rule (1).

PART IV—DIRECT RECRUITMENT

6. Competitive examination.—(1) A competitive examination for direct recruitment to the Service shall be held at such intervals as the Central Government may, in consultation with the Commission from time to time, determine. The dates on which and the places at which the examination shall be held shall be fixed by the Commission.

(2) The qualifications for admission to the examination and the conduct thereof shall be in accordance with such regulations as the Central Government may, from time to time, issue in this behalf in consultation with the Commission.

7. Nature of examination.—Until otherwise decided by the Central Government, in consultation with the Commission, the competitive examination for recruitment to the Service shall be the same as the combined competitive examination held by the Commission for recruitment to the Indian Administrative Service/Indian Police Service/Central Services—Class I.

8. Decision of the Commission to be final.—The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Commission shall be admitted to the examination.

9. Commission to forward a list in order of merit.—The Commission shall forward to the Central Government a list arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine, and of the candidates belonging to the Scheduled Castes and Scheduled Tribes who though not qualified by that standard are declared by the Commission to be suitable for appointment to the Service with due regard to the maintenance of efficiency of administration.

10. **Physical fitness.**—No candidate shall be appointed to the Service unless he is declared after such medical examination as the Central Government may prescribe, to be in good mental and bodily health and free from any mental or physical defect likely to interfere with the discharge of the duties of the Service.

11. **Inclusion in the list not to confer right to appointment.**—The inclusion of a candidate's name in the lists referred to in rule 9 confers no right to appointment unless the Central Government is satisfied after such inquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the Service and an actual offer of appointment is made.

12. Subject to the provisions of these rules, the candidates included in the lists referred to in rule 9 shall be appointed to the Service in order of merit.

PART V—RECRUITMENT BY SELECTION

13. **Constitution of Selection Committee.**—Recruitment under clause (b) of sub-rule (1) of rule 5, shall be made on the recommendation of a Selection Committee (hereinafter called the Committee), consisting of—

(i) the Chairman or a Member, of the Commission—*Chairman*;

Members

(ii) an officer not below the rank of Joint Secretary in the Ministry of Home Affairs;

(iii) the Chief Secretary to the Delhi Administration;

(iv) the Chief Secretary to the Himachal Pradesh Administration.

14. **Conditions of eligibility and procedure for selection.**—(1) The Committee shall consider from time to time the cases of officers eligible under clause (b) of sub-rule (1) of rule 5, who have served in the respective cadre or posts for not less than two years, as the case may be, and prepare a list of officers recommended taking into account the actual vacancies at the time of selection and those likely to occur during a year. The selection for inclusion in the list shall be based on merit and suitability in all respects for appointment to the Service with due regard to seniority.

(2) The names of persons included in the list shall be arranged in order of merit.

(3) The list so prepared shall be forwarded by the Committee to the Central Government.

15. **Consultation with the Commission.**—(1) The list prepared under rule 14 shall be forwarded by the Central Government to the Commission, where consultation with the Commission is necessary, or where the Chairman of the Committee desires that a reference be made to the Commission, along with the relevant records.

(2) If the Commission considers it necessary to make any changes in the list received from the Central Government, the Commission shall inform the Central Government of the changes proposed.

(3) The list shall finally be approved by the Central Government, after taking into account the changes, if any, proposed by the Commission.

(4) The list thus finally approved shall ordinarily be in force until a fresh list is prepared for the purpose in accordance with these rules.

16. **Appointment to Service.**—Appointment to Service shall be made in order of merit in the list referred to in sub-rule (4) of rule 15 with due regard to the proportion specified in rule 5.

PART VI—INITIAL CONSTITUTION OF SERVICE

17. **Initial appointment of persons to the Service.**—(1) The Central Government may, at the commencement of these rules, appoint to the Service any person who at such commencement is holding—

(a) any of the posts specified in Schedule I, or

(b) any equivalent post in the State of Punjab or Uttar Pradesh:

Provided that the appointment to the Service of those officers who belong to, or are on deputation from, a service under the Central or a State Government shall be made with their consent and the concurrence of the Department or Government, as the case may be, to which they belong:

Provided further that the appointment of persons referred to in clause (b) shall be made only if sufficient number of suitable persons referred to in clause (a) are not available.

Explanation.—For the purpose of this sub-rule, a person who would have held a post mentioned in clause (a) or clause (b) but for his being on leave or on foreign service or but for his temporary or officiating appointment to an equivalent or higher post, shall be deemed to be holding such a post.

(2) (i) For the purpose of appointment of persons referred to in clause (a) of sub-rule (1), the Central Government may require the Committee to make a preliminary selection from among the officers referred to in that clause of such of them who in its opinion are suitable for appointment to the Service. The names of officers so selected shall be arranged by the Committee in order of merit with due regard to seniority.

(ii) The list prepared under clause (i) shall be forwarded by the Committee to the Central Government. Thereupon the Central Government shall forward the same to the Commission along with the relevant records.

(iii) If the Commission considers it necessary to make any changes in the list received from the Central Government, the Commission shall inform the Central Government of the changes proposed.

(iv) The list shall finally be approved by the Central Government after taking into account the changes, if any, proposed by the Commission.

(3) (i) For the purpose of appointment of persons referred to in clause (b) of sub-rule (1), the Central Government may obtain from the State Governments concerned lists of suitable officers who are willing to be considered for appointment to the Service.

(ii) The Central Government may require the Committee to make a preliminary selection from among the officers included in the lists referred to in clause (i) and recommended such of them, who in its opinion are suitable for appointment to the Service. The names of such officers shall be arranged by the Committee in order of merit with due regard to seniority.

(iii) The procedure prescribed in clauses (ii) and (iii) of sub-rule (2) shall be followed and the list shall finally be approved by the Central Government after taking into account the changes, if any, proposed by the Commission.

(4) Initial appointment to Service shall be made in order of merit of persons included in the finally approved lists referred to in clause (iv) of sub-rule (2) and clause (iii) of sub-rule (3) subject to the provisions of the second proviso to sub-rule (1).

PART VII—APPOINTMENT, PROBATION, TRAINING AND CONFIRMATION

18. **Appointments.**—All appointments to Service shall be made to Grade I or Grade II of the Service and not against any specific post included in the Service.

19. **Disqualification.**—(a) No person who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to service; and

(b) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service:

Provided that the Central Government may if satisfied that there are special grounds for so ordering, except any person from the operation of this rule.

20. **Special provision for Scheduled Castes and Scheduled Tribes.**—Appointments to Service made by direct recruitment shall be subject to orders regarding special representation in the Services for Scheduled Castes and Scheduled Tribes issued by the Government of India from time to time.

21. Period of probation.—(1) Every person appointed under rule 5 or rule 17 to Grade II of the Service shall be on probation for a period of two years.

(2) The Central Government may in the case of any person extend or reduce the period of probation.

(3) A person on probation shall be liable to be discharged from service at any time without assigning any reason provided that if he holds a lien on any permanent post under the Central Government, or a State Government, he shall be liable to be reverted to that post.

(4) A person on probation who holds a lien on any permanent post under the Central or a State Government may, if he so desires during the period of probation, have the option to revert back to his parent Department/Government after giving such notice as may be prescribed by the Central Government.

22. Training and departmental examinations.—A person appointed under rule 5 or rule 17 to the service shall undergo such training and pass during the period of probation such departmental examinations as the Central Government may from time to time prescribe:

Provided that the Central Government may exempt, subject to such conditions as it may impose, either wholly or partly from such training or departmental examinations, any person appointed under the first proviso to sub-rule (1) of rule 5 or rule 17.

23. Confirmation in Service.—A person who has been declared to have satisfactorily completed his period of probation may be confirmed in the Service.

PART VIII—OFFICIATING APPOINTMENTS

24. Selection for officiating appointments.—If at any time the Central Government is of the opinion that the number of officers available in the list referred to in sub-rule (4) of the rule 15 for appointment to duty posts is not adequate having regard to the vacancies in such posts, it may direct the Committee to consider the case of officers who have officiated for a period of not less than three years in a post of Tehsildar or in any other posts mentioned in Schedule II, Parts A and B, and prepare a separate list of officers selected. The selection for inclusion in the list shall be based on merit and suitability in all respects for officiating appointments to duty posts with due regard to seniority. The provisions of sub-rules (2) and (3) of rule 14 and rule 15 shall apply *mutatis mutandis* in the preparation of the selection list under this rule.

25. Officiating appointment to Service.—(1) If a member of the Service is not available for holding a duty post, the post may be filled on an officiating basis

(a) by the appointment of an officer included in the list referred to in sub-rule (4) of rule 15; or

(b) if no such officer is available, by the appointment of an officer included in the list prepared under rule 24.

(2) Notwithstanding anything contained in these rules, if the exigencies of service so require, a duty post for which a member of the Service is not available, may be filled on an officiating basis by the appointment with prior consultation with the Commission of an officer belonging to a State Civil Service on deputation for such period or periods ordinarily not exceeding three years.

(3) Notwithstanding anything contained in these rules, where appointment to a duty post is to be made purely as a local arrangement for a period not exceeding six months, such appointment may be made by the administrator from persons who are included in the list prepared under sub-rule (4) of rule 15 or rule 24 or who are eligible for inclusion in such a list.

(4) Any appointment made under sub-rule (3) shall be reported by the administrator to the Central Government forthwith.

PART IX—MISCELLANEOUS

26. Allocation of members of Service.—The Central Government shall allocate the members of the Service to the Administrations of the Union territories of Himachal Pradesh and Delhi for being posted under the respective Administrations:

Provided that a member of the Service so allocated to one Administration may at any time be transferred by the Central Government to the other Administration.

27. **Posting of members of the Service.**—Every member of the Service allocated to an Administration shall, unless he is appointed to an ex-cadre post, or is otherwise not available for holding a duty post owing to the exigencies of service, be posted against a duty post under the Administration by the administrator concerned.

28. **Duty post to be held by a member of the Service.**—Every duty post shall be held by a member of the Service or an officer appointed to officiate under Part VIII of these rules.

29. **Seniority.**—The Central Government shall prepare a list of members of the Service arranged in order of seniority as determined in the manner specified below:—

- (i) In the case of persons appointed on the result of competitive examination, and by selection under clause (b) of sub-rule (1) of rule 5, seniority in the Service shall be determined by the order in which appointments are made to the Service:

Provided that—

- (a) persons recruited on the results of the competitive examination in any year shall be ranked *inter se* in the order of merit in which they are placed at the competitive examination on the results of which they are recruited, those recruited on the basis of an earlier examination being ranked senior to those recruited on the basis of later examination;
- (b) the relative seniority *inter se* of persons recruited by selection shall be determined on the basis of the order in which their names are arranged in the list prepared under rule 14.
- (ii) The seniority of members of the Service appointed by transfer under the first proviso to sub-rule (1) of rule 5, and of those appointed at the initial constitution of the Service in accordance with the provisions of Part VI of these rules, shall be determined *ad hoc* by the Central Government in consultation with the Commission, due regard being had to the posts previously held by them under the Central Government/State Government and the length of Service rendered by them therein:

Provided that in the case of persons appointed under the first proviso to sub-rule (1) of rule 5 or the first proviso to sub-rule (1) of rule 17, if two or more persons belong to the same parent service or Department are thus appointed, they shall be ranked *inter-se* in the order of their relative seniority in the parent service or Department, as the case may be.

- (iii) The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion under rule 5.

30. **Pay and Allowance.**—(1) The scales of pay attached to the Service shall be as follows:

(i) Grade I—(Selection Grade) Rs. 900—50—1200.

(ii) Grade II—Time Scale Rs. 300—30—510—E.B.—30—600—40—720—E.B.—40—800—50—850.

(2) A person recruited on the results of competitive examination shall, on appointment to the Service, draw pay at the minimum of the time-scale. The pay and increments in the case of other persons appointed to the Service shall be regulated in accordance with the Fundamental Rules:

Provided that it shall be open to the President to determine the pay of any member of the Service in such manner as the President deems fit if the special circumstances of his case so require.

(3) Dearness and other allowances shall be paid to persons holding duty posts at such rates as may be determined by the President from time to time.

31. **Appointments to Selection Grade.**—(1) Appointments of members of the Service to the Selection Grade shall be made in consultation with the Commission on the basis of merit with due regard to seniority.

(2) An officer with a minimum of 12 years' service in Grade II shall be eligible for being considered for appointment to the Selection Grade:

Provided that service in a duty post or an equivalent post or in a State Civil Service shall count towards the twelve-year period:

Provided also that where a person is considered for such appointment all persons senior to him in Grade II shall also be considered irrespective of the fact whether or not they fulfil the requirement as to the minimum of 12 years' service.

32. Regulations.—The Central Government may make regulations or issue instructions, not inconsistent with these rules, to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to these rules.

33. Residuary matters.—In regard to matters not specifically covered by these rules or by regulations or orders issued thereunder or by special orders, the members of the Service shall be governed by the rules, regulations and orders applicable to corresponding officers serving in connection with the affairs of the Union:

Provided that any power exercisable by the Central Government under such rules, regulations and orders may be delegated by it to the administrator subject to such conditions as it may prescribe.

34. Interpretation.—If any question arises relating to the interpretation of these rules, the matter shall be referred to the Central Government whose decision thereon shall be final.

PART X—TRANSITIONAL ARRANGEMENTS

35. Transitional provision.—(1) On and after the commencement of these rules and until persons are appointed to hold the duty posts in accordance with the provisions of these rules such posts may continue to be held by officers appointed thereto as if these rules have not come into force.

(2) This rule shall cease to be in force after a period of two years from the date of such commencement.

SCHEDULE I

(See rules 4 and 17)

The authorised permanent strength of the Service and the nature of the posts included in it are as follows:—

Sanctioned Strength

1. Specific posts under Delhi Administration.	.. 42
2. Specific posts under Himachal Pradesh Administration.	.. 42
3. Deputation, leave and training reserves.	.. 28
Total	112

The above figures include the following posts:—

(a) DELHI ADMINISTRATION

1. Assistant Commissioner, Sales Tax.	.. 1
2. Deputy Registrar of Cooperative Societies.	.. 1
3. Assistant Director, Civil Supplies.	.. 1
4. Additional District Magistrate.	.. 1
5. Under Secretary.	.. 3
6. Assistant Development Commissioner.	.. 1
7. Revenue Assistant.	.. 1
8. Land Acquisition Collector.	.. 2
9. District Collection Officer.	.. 1
10. Magistrate I Class.	.. 20
11. Deputy Employment Officer/Sub-Regional Employment Officer/Employment Liaison Officer.	.. 2
12. Deputy Director of Panchayats.	.. 1

13. Sales Tax Officer/District Excise Officer/Entertainment Tax Officer, Collector of Stamps and District Stamp and Registration Officer.	.. 5
14. Housing Officer.	.. 1
15. Harijan Welfare Officer.	.. 1
	<hr/> 42

(b) HIMACHAL PRADESH ADMINISTRATION

1. Director of Land Records.	.. 1
2. Deputy Registrar (Development) Cooperative Societies.	.. 1
3. Deputy Registrar, Cooperative Societies.	.. 1
4. Extra Assistant Settlement Officer.	.. 1
5. Under Secretary.	.. 3
6. Extra Assistant Commissioner (Executive).	.. 25
7. Land Acquisition Officer.	.. 1
8. Marketing Officer.	.. 1
9. Deputy Director of Panchayats.	.. 1
10. Assistant Excise and Taxation Commissioner/ Excise and Taxation Officer.	.. 1
11. Assistant Registrar (Education) Cooperative Societies.	.. 1
12. Assistant Director of Industries/District Industries Officer.	.. 2
13. Assistant Director of Panchayats.	.. 1
14. District Cooperative and Supplies Officer.	.. 1
15. Private Secretary to Lt. Governor.	.. 1
	<hr/> 42

(c) RESERVES

1. Deputation Reserve at 12½% of 84.	.. 11
2. Leave Reserve at 10% of 84 and Training Reserve at 10% of 84	.. 17
	<hr/> 28
Total.	<hr/> 112

SCHEDULE II

(See Rules 5 and 24)

PART A

POSTS IN DELHI ADMINISTRATION

1. Assistant Registrar, Cooperative Societies.
2. Civil Supplies Officer.
3. Block Development Officer.
4. Assistant Employment Officer.
5. Assistant Sales Tax Officer.
6. Superintendent.

PART B

POSTS IN HIMACHAL PRADESH ADMINISTRATION

1. Block Development Officer.
2. District Panchayat Officer.
3. Assistant District Industries Officer.
4. Superintendent.

[No. F. 1/12758-Delhi.]
A. D. PANDE Joint Secy.